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8   **UNITED STATES DISTRICT COURT**

9   **NORTHERN DISTRICT OF CALIFORNIA**

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11   IN RE: DMCA SECTION 512(H)   MISC. ACTION NO: 3:23-MC-80164-LJC
     SUBPOENA TO GITHUB, INC.
12   **NEXTEER AUTOMOTIVE
                                          CORPORATION'S REQUEST TO THE
13   CLERK FOR ISSUANCE OF A SUBPOENA
                                          TO SKIFF WORLD, INC.**
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1   Nexteer Automotive Corporation ("Nexteer'), through its undersigned counsel of record, hereby

2 requests that the Clerk of this Court issue a subpoena to Skiff World, Inc. ("Skiff") pursuant Federal

3 Rule of Civil Procedure 45. The proposed subpoena is attached hereto as Exhibit A.

4   The subpoena is directed to Skiff. Skiff is a web-based company that, among others functions,

5 provides users with encrypted end-to-end email service, as an alternative to other email services such as

6 Gmail or Yahoo mail.

7   Nexteer seeks account information about certain Skiff email users as identified in Exhibit A.

8 Nexteer previously requested, and this Court issued, subpoenas to GitHub, Inc. to identify individuals

9 who had posted various excerpts of Nexteer's confidential and copyrighted source code to GitHub,

10 which postings infringe copyrights held by or assigned to Nexteer. (See Declaration of Pete Kiousis, ¶

11 4). After issuance and service of those subpoenas, Nexteer received certain GitHub account data and,

12 through investigation, identified Skiff email accounts potentially related to the users posting infringing

13 content to GitHub. (Kiousis Decl. ¶ 4). Nexteer now seeks information about these Skiff email users to

14 further aid in identifying the individuals infringing Nexteer's copyrights and disseminating Nexteer's

15 intellectual property without authorization.

16   Accordingly, in support of its request for a Subpoena, Nexteer submits and attaches:

17   • A proposed subpoena directed to Skiff (Ex. A hereto); and

18   • A sworn declaration that the purpose for which the subpoena is sought is proper (See Pete

19   Kiousis Decl., ¶5.)

20   Nexteer respectfully requests that the Clerk expeditiously issue and sign the proposed subpoena

21 pursuant to Fed. R. Civ. Pro. 45 and return it to undersigned counsel for service on the subpoena

22 recipient.

23 DATE: JANUARY 31, 2024   FOLEY & LARDNER LLP
                                        DANIYAL M. HABIB
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26   By: /s/ Daniyal M. Habib
                                        _____
27   DANIYAL M. HABIB
                                        Attorneys for Petitioner NEXTEER
28   AUTOMOTIVE CORPORATION

NEXTEER'S REQUEST TO CLERK FOR ISSUANCE OF SUBPOENA
CASE NO. 3:23-MC-80164-LJC